

**U.S. Patent Application No. 10/521,673
Attorney Docket No. 10191/3725
Response to Office Action of October 17, 2007**

AMENDMENTS TO THE DRAWINGS:

The attached Replacement sheets of drawings including Figures 1, 2, and 3 replace the original sheets containing Figures 1, 2, and 3. Approval and entry are respectfully requested.

Attachment: two (2) replacement sheets and two (2) annotated sheets showing changes.

**U.S. Patent Application No. 10/521,673
Attorney Docket No. 10191/3725
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REMARKS

Claims 10 to 19 are now pending and being considered in the present application. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Applicant notes with appreciation the acknowledgement of the claim to foreign priority and the indication that all copies of the certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

As to section one (1) of the Office Action, the drawings have been amended as recommended in the Office Action. Accordingly, withdrawal of the objections to the drawings is respectfully requested.

With respect to section two (2) of the Office Action, claim 14 was rejected under 35 U.S.C. 112, ¶2, as being indefinite. The terms of “CAN” bus and “MOST” bus are within the scope of ones skilled in the art. However, to facilitate matters, further clarification has been added to the specification to obviate the terms. No new matter has been added. Accordingly, withdrawal of the rejection for indefiniteness is respectfully requested.

Claims 10, 15, and 16 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,275,585 (the “Ablay” reference).

To reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the claimed subject matter of the claims, as discussed herein. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

To the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (*See M.P.E.P. § 2112; emphasis in original; and see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’l. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or

U.S. Patent Application No. 10/521,673
Attorney Docket No. 10191/3725
Response to Office Action of October 17, 2007

characteristic. Accordingly, it is respectfully submitted that any anticipation rejection premised on the inherency doctrine is not sustainable absent the foregoing conditions.

While the rejections may not be agreed with, to facilitate matters, independent claim 10 has been amended herein without prejudice to recite that “the at least one control unit is connected to the gateway unit via at least one vehicle bus.”

The Office Action alleges that the “Ablay” reference discloses “a gateway unit (107) mounted in a vehicle which is connected on one side to at least one control unit (103, 111, 113) in the vehicle . . .” However, the control units in the cited reference are not connected to the vehicle gateway through the *vehicle bus* but through the *user bus*. (See the “Ablay” reference, Figure 2 (emphasis added).) The difference between these bus structures is highlighted in the “Ablay” reference, which states that “[i]t is known for a vehicle, such as a car, to have both a vehicle bus and a user bus . . .” Indeed, the reference goes on to clarify the differences between the two busses. See the “Ablay” reference, column 1, lines 11 to 27.

Therefore, the “Ablay” reference does not identically disclose, nor even suggest, all of the features of claim 10, as currently presented, so that the “Ablay” reference does not anticipate claim 10 or any of its dependent claims, e.g., claims 15 and 16.

Withdrawal of this anticipation rejection of claims 10, 15, and 16 is therefore respectfully requested.

Claims 11, 13, 14, and 17 to 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over the “Ablay” reference in view of U.S. Patent No. 6,604,024 (the “Braun” reference).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 11, 13, 14, and 17 to 19 ultimately depend on claim 10 and are therefore allowable for at least the same reasons as claim 10, since the secondary “Braun” reference does

U.S. Patent Application No. 10/521,673
Attorney Docket No. 10191/3725
Response to Office Action of October 17, 2007

not cure the critical deficiencies of the “Albay” reference as to claim 10, as presented. That is, the “Braun” reference does not disclose or suggest the claim feature of “at least one control unit is connected to the gateway unit via at least one vehicle bus” as presented in claim 10. The alleged gateway unit 100 in the “Braun” reference does not disclose or suggest there being a control unit as provided for in the context of the claimed subject matter.

Withdrawal of the obviousness rejection of claims 11, 13, 14, 17 to 19 is therefore respectfully requested.

Claim 12 has been rejected as being unpatentable over the “Ablay” reference in view of the “Braun” reference and U.S. Patent No. 7,127,386 (the “Mocek” reference).

Claim 12 ultimately depends from claim 10 and is therefore allowable for the same reasons as claim 10, since the “Braun” and “Mocek” references do not cure the critical deficiencies noted above with respect to the “Ablay” reference in support of the patentability of claim 10.

Withdrawal of the obviousness rejection of claim 12 is therefore respectfully requested.

**U.S. Patent Application No. 10/521,673
Attorney Docket No. 10191/3725
Response to Office Action of October 17, 2007**

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of claims 10 to 19 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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